

December 31, 2001

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION ON THRESHOLD DETERMINATION APPEAL

SUBJECT: Department of Development and Environmental Services File No. **L00RE012**

SNOQUALMIE SAND & GRAVEL PIT
SEPA Appeal

Location: 5601 – 396th Drive Southeast

Applicant: Glacier Northeast, Inc., *represented by*
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Appellants: **Tim & Pam Welborn**
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King County: Department of Development and Environmental Services,
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SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	Deny Appeal
Department's Final Recommendation:	Deny Appeal, modify MDNS
Examiner's Decision:	Deny Appeal, modify MDNS

EXAMINER PROCEEDINGS:

Hearing Opened:	December 4, 2001
Hearing Closed:	December 5, 2001

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Blasting
- Water quality
- Noise
- Traffic
- Reclamation
- Cumulative impacts
- Mitigation feasibility

SUMMARY:

The appeal is denied, but the MDNS conditions are amended.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. In 1995 the Weyerhaeuser Company obtained a reclassification of 212 acres near the City of Snoqualmie from AR-5 and AR-10 to M (Mineral) designation. The reclassification expanded an existing 60 acre gravel pit to a total of 272 acres. Ordinance 11672, which authorized the rezone, placed a number of operating conditions on the expanded gravel pit. Among these was condition no. 5, which prohibited both on-site blasting and pit backfilling with off-site materials without further environmental review.

2. The current pit operator, Glacier Northwest, has applied to revise its grading permit to allow for blasting in the conduct of hard rock mining and reclamation involving importation to the site of 5.6 million cubic yards of off-site fill. An expanded environmental checklist was submitted to King County Department of Development and Environmental Services (DDES) in April, 2000, and updated in February, 2001. It contains technical analysis in the areas of soils, geology, groundwater and water quality, air quality, blasting and vibration, transportation and noise. A mitigated determination of non-significance (MDNS) was issued for the proposed grading permit revision by DDES on July 3, 2001. The MDNS contains a list of 53 conditions to be applied to the expansion proposal. It permits all of the activities requested by the Applicant except for an extension in pit operation hours. The 1995 rezone approved the surface mining of 60 million tons of material to a depth of 325 feet above sea level. The current grading permit revision does not seek to increase either the amount of material to be mined or the areal extent of the mining operation. Rather, the proposal is to convert approximately 25 million tons of the 60 million ton total from sand and gravel to hard rock product.
3. Appellants Tim and Pam Welborn live east of the site approximately one-thousand feet, across 396th Drive Southeast and up the hillside. Due to its higher elevation the Welborn property overlooks the pit, with only on-site trees on the 5-acre parcel intervening. The Welborns filed a timely appeal of the MDNS, raising issues in the areas of noise, slope and building destabilization, impacts to area domestic wells, increased traffic, fugitive dust and visual impacts. The appeal also alleges cumulative adverse impacts from mining operations and challenges the adequacy of the County's mitigation measures and enforcement process. No substantial evidence was presented at the appeal hearing held December 4 and 5, 2001, concerning the fugitive dust and visual impacts issues, and they are deemed dropped from the appeal.
4. The question of the potential traffic impacts from the change in proposed pit operations generated a lively discussion at the appeal hearing. Mr. Welborn challenged the assumption of the Applicant's traffic consultant that at least 70 percent of the trucks hauling reclamation fill into the site would leave with a load of either hard rock or sand and gravel. He also suggested that market demand could produce periods in which much higher of levels of pit hauling activity would occur than the average figure generated by the consultant.
5. The record provides little basis for resolving competing contentions as to the assumptions to be used in the traffic modeling exercise. The Applicant's traffic consultant focused on the fact that recent measurements at the pit resulted in overall trip totals for 2000 which were below those projected in 1993. The reliability of the consultant's conclusions are undercut somewhat by her apparent inability to perform simple arithmetic operations; for example, in the expanded checklist study we learn that 12 plus 18 now equals 40, and 13 plus 26 is presented as equaling 49. Nonetheless, Mr. Welborn's trip projections are too extreme in that they make almost no provision for two-way truck hauls, nor do they account for the fact that a high level of pit hard rock activity will necessarily displace previously projected sand and gravel truck trips.
6. But the most important factors arguing against a finding of new significant traffic impacts appear within the context of the peak hour analysis and the intersection locations studied. Most pit truck traffic is off the roads by the time the PM peak hour arrives, so a substantial increase in the total daily trip figures still produces peak hour totals that are below County regulatory thresholds. The August 2000 data suggests that the PM peak hour traffic from the pit only constitutes little

more than five percent of the average daily trip figure. With a 65 percent trip distribution on SR 202

north towards Fall City, even Mr. Welborn's inflated projection of 679 total daily trips would only convert into 22 or 23 trips to the SR 202 Fall City intersections, still well below the 30 trip threshold for finding a significant adverse traffic impact under the County standard. Moreover, the intersection most heavily impacted by project traffic, SR 202 at Mill Pond Road, would continue to operate at better than level of service F for all movements, even with use of Mr. Welborn's figures. In short, under all plausible scenarios the level of service impacts from increased pit activity remain below the level the County Intersection Standards deem to be significant and adverse.

7. Potential adverse impacts to the ground water system in the area of the gravel pit fall into two categories. The unconfined Tokul Creek Delta Aquifer lies beneath and generally south of the pit floor. It is at risk for contamination and turbidity impacts if the pit excavation activities pierce the aquifer. The pit operational plan is to remain at least ten feet above the Tokul Aquifer and to install down-gradient monitoring wells for the assessment of water quality. Because there are no production wells in the immediate vicinity of the pit, minor increases in turbidity within the Tokul Aquifer should not cause more than a localized affect.
8. The well serving the Welborn property, plus a handful of other domestic wells, are drilled into a plateau aquifer located on the hillside east of the pit. Because the pit is down-gradient from the plateau aquifer, contamination impacts are not at issue. Rather, the potential risk here is that pit blasting activities may alter the geologic environment lying between the pit and the plateau aquifer such that the aquifer becomes dewatered.
9. Glacier Northwest geologic consultants have postulated the presence of a bedrock ridge aquaclude lying between the plateau aquifer and the Snoqualmie pit. Existence of this ridge is inferred from observing that the plateau aquifer does not currently leak into the pit and from examining bedrock exposures both east of the pit and on the exposed hillside face above 396th Drive Southeast. Examination of these exposures has failed to disclose any major cracks or fissures that might expand to facilitate groundwater transport.

While the geologic data concerning the bedrock ridge is necessarily incomplete, adequate mitigation measures are proposed to guard against major leakage from the plateau aquifer. A monitoring well will be drilled between the pit and the plateau aquifer to gauge changes in water levels, and the hard rock face of the pit will be routinely examined for evidence of major seepage. In addition, the MDNS conditions provide for replacement water supplies if pit activity adversely affects the plateau aquifer wells.

10. Injury to plateau aquifer well structures has also been raised by the appeal. The testimony of the Applicant's blasting expert was that the level of explosive charges permitted by the County at the pit will have no discernable adverse vibrational effect on wells 600 feet or further removed from the blast location. But again, as a safety measure the MDNS conditions provide a procedure for pre- blasting well assessment and remedial action if blast-induced harm is identified.
11. Although certainly audible to the surrounding neighborhood, the primary adverse impact from hard rock blasting is from vibration and not from noise. To a substantial degree, the underground placement of blasting charges muffles the sound and imparts kinetic energy through the ground

and not through the air. Vibrational impacts on nearby structures are mitigated within the MDNS through placement of conservative limits on peak particle velocities and a regime of

seismographic monitoring. Flyrock is expected to be contained on the gravel pit site, and efficient combustion of explosives ought to result in only minor nitrate residues. The instability experienced along SR 202 near Tokul Road as a consequence of the Nisqually earthquake has also been examined. The distance of the SR 202 slide area is approximately 4,000 feet from the blasting location. Therefore it should experience no pore pressure increases or heightened risk of liquefaction from blasting activity.

12. The impact of greatest concern resulting from the grading permit modification proposed by Glacier Northwest will be in the area of noise. This is because the Welborn residence is fully exposed to sound impacts from the pit due to its higher elevation, and current operations are now at or near permitted sound limits. Pursuant to the standards stated at KCC Chapter 12.88, the County's noise ordinance allows a maximum permissible sound level of 57 dBA from an industrially-zoned generating property at a rural-zoned receptor property. A test performed by the Applicant's consultant in 1999 showed noise received at the Welborn residence to be just above the 57 dBA limit, and just below such limit in January, 2000, after further mitigation measures were implemented. The proposed grading permit revisions will add new noise sources in the form of a rock drill, a grizzly screen and an additional portable crusher, as well as generating further operational noise from loading hard rock product onto trucks and dumping imported fill. Using the January, 2000, site test as a base line, the additional impacts attributable to new equipment were modeled for the site, resulting in a minor increase in the overall site dBA.
13. It should be noted that there are some subtle but important differences between the King County noise ordinance analysis of sound levels and that mandated by SEPA. While no one has challenged the 57 dBA threshold as the proper measure of significance for sound levels received by a rural residential property, the location for measurement under the noise ordinance is at the rural property boundary, while for SEPA purposes it would probably be the Welborn residence itself further up the hillside. Also the noise ordinance is focused exclusively on the sound generational characteristics of the individual proposal, while measurement of cumulative impacts under SEPA would warrant analysis of the entire noise environment. More critically, the noise ordinance authorizes exclusion of such sounds as blasting and on-site warning devices from the sound level calculation, while a SEPA analysis would take those into account as well.
14. The magnitude of difference between the noise ordinance standard and a SEPA analysis is difficult to identify without further data. The Applicant's noise consultant indicated that for the January, 2000, site measurement the noise level at the Welborn property was 56.5 dBA with ordinance exclusions in effect and 56.9 dBA with all noises included. Although the modeling effort included three new pieces of equipment at the site, in terms of analyzing the overall sound environment it would appear to be deficient to the extent that it excluded blasting noises and on-site warning devices and failed to include increased transport sounds resulting from loading hard rock material and dumping imported fill. The possibility exists, therefore, that with such inclusions the sound level from the amended operations, when combined with surrounding existing environmental noise, could exceed the 57 dBA threshold.
15. The Appellants assert that the revised pit operations should not be authorized by the County until clear proof of the ability to meet the regulatory sound threshold has been demonstrated. If the modeling for pit noise generation produced results that were wildly out of compliance, such a

contention might be meritorious. Here, however, the compliance issue is a borderline matter, and the only effective way that actual feasibility can be determined is after site operations begin and

are measured in the field. Accordingly, we find that the MDNS methodology of employing noise monitoring pursuant to a monitoring plan is the proper approach. However, the MDNS noise conditions have been revised to incorporate a SEPA-based standard encompassing the entire noise environment.

16. One of the primary assertions of the Welborn appeal is that the MDNS conditions, despite their abundance of detail, are unlikely to be effective in mitigating adverse environmental impacts from pit operations because they rely on monitoring plans based on as yet unspecified standards and, as well, require from DDES an enforcement effort that exceeds the agency's staffing capability. At the outset it has to be admitted that, absent 24-hour surveillance, a rogue pit operator can violate some mitigation requirements without risk of detection. The weakest links in the enforcement chain include occasional operation outside of permitted hours, periodic exceedences of noise limits, failure to comply with portable noise screening requirements, and occasional violation of fugitive dust emission limits. Notwithstanding these unavoidable difficulties, however, it is clear that the DDES enforcement effort has improved in the last few years, both in the specificity of its permit requirements and the assignment of gravel pit inspection duties to individuals with some specialized knowledge of surface mining operations. Thus, while absolute around the clock compliance cannot be assured, the County inspection and enforcement system is capable of providing an acceptable level of pit regulation.
17. The 53 MDNS conditions promulgated by DDES deal with the full range of potential pit impacts and are detailed in their conceptual framework. Nonetheless, six critical mitigation plans have been proposed by the MDNS conditions for future design and implementation without a mechanism for further public review. While WAC 197-11-660 authorizes the use of monitoring plans, this critical SEPA regulation also mandates that mitigation measures shall be reasonable and capable of being accomplished and that decision makers evaluate whether possible mitigation measures are likely to protect or enhance environmental quality. Compliance with these further requirements is difficult to assure in the absence of specific monitoring procedures and defined measurement standards. To remedy these shortcomings, DDES has agreed that a public review process for the monitoring plans should be provided, and the MDNS conditions have been modified to include such a requirement. In addition, a further condition has been added specifying that MDNS conditions can be further modified within the County's periodic review process if necessary to avoid or mitigate adverse environmental impacts. These additional procedural requirements will operate to preserve an adequate opportunity for further public input into the monitoring plan endeavor, thus assuring the feasibility of the mitigation scheme as mandated by WAC 197-11-660.

CONCLUSIONS:

1. The basic standard to be applied to the review of a threshold determination appeal is that the SEPA record must demonstrate the actual consideration of relevant environmental impacts. With respect to those relevant impacts shown to be actually considered, the decision of the SEPA official is entitled to substantial weight on review and shall not be overturned unless clearly erroneous based on the record as a whole.

2. In conjunction with the SEPA statute and regulations, KCC 20.24.080.B confers upon the Hearing Examiner broad authority to impose such conditions, modifications and restrictions on the appeal decision as may be required to make it compatible with the environment and carry out applicable statutes, regulations, codes, plans and policies. This authority supplements the SEPA appeal standards and allows specific conditions of mitigation to be imposed or modified, independent of whether the determination of non-significance is found overall to be clearly erroneous.
3. The SEPA record discloses actual consideration by the Department of Development and Environmental Services of the potential environmental impacts of this proposal. The Appellants have not met their burden of proof to demonstrate that the determination of non-significance is either contrary to law or inadequately supported by the record and therefore clearly erroneous.
4. The primary substantive modifications to the MDNS conditions contemplated by this decision involve the measurement of noise impacts. While the County's noise ordinance informs the SEPA process, the fact that it contains noise exclusions and focuses primarily on sounds generated by discrete proposals means that it is not a SEPA standard, per se. The applicable SEPA standard is more clearly articulated at Comprehensive Plan Policy R-562, which states that, "conditions and mitigations for significant adverse environmental impacts associated with mining operations should be required . . ." and lists specific areas of concern, including noise levels and vibration. In short, the SEPA standard goes beyond the noise ordinance to the extent that it addresses cumulative impacts within the noise environment as a whole. An expanded analysis is particularly appropriate for noise impacts at this site, in view of the fact that the Weyerhaeuser Company owns both the gravel pit property and the timber operations that provide most of the background noise impacts not generated by pit operations. Accordingly, the conditions of mitigation regarding noise have been modified to incorporate a SEPA standard that includes the total noise environment.
5. As previously noted, the second primary area which the MDNS has been modified is to provide for an expanded public comment process for impact mitigation plans that have yet to be drafted and reviewed. This will help assure that the mitigation measures are reasonable and capable of being accomplished and better allow DDES to evaluate whether the mitigation measures under consideration are likely to protect or enhance environmental quality, as required by WAC 197-11-660.
6. If the conditions of mitigation are modified in the manner provided below, the decision of the SEPA official is not clearly erroneous, is supported by the evidence of record and assures that there is no probability of significant adverse environmental impacts.

DECISION:

The appeal of Tim and Pam Welborn is denied; provided that, the following revised conditions are imposed under SEPA authority to mitigate the adverse environmental impacts of the Snoqualmie Sand and Gravel Pit proposal.

ORDER:

This order constitutes the final King County mitigated determination of non-significance regarding the proposed amendment of the Snoqualmie Sand and Gravel Pit grading permit to allow hard rock mining and importation of reclamation fill. Mitigation under SEPA for this proposal includes the following conditions:

Blasting

1. All blasting will be conducted at a minimum in accordance with the methods specified in the United States Office of Surface Mining Reclamation and Enforcement (OSMRE), 1987 Blasting Guidance Manual, and any revisions to that manual during life of quarry operations.
2. All blasting safety standards for Possession and Handling of Explosives set forth by Washington State under 70.74 RCW and WAC 296-52 shall be followed. The operator will follow any new revisions to these regulations during life of quarry operations.
3. A resident or owner of a dwelling or structure within ½ mile of any part of the permit area may request a pre-blasting survey prior to the initiation of quarrying. The operator shall notify all residents within ½ mile of this option at least 30 days before the initiation of quarrying operation. The request shall be made in writing directly to the operator, with a copy of the notice provided to DDES Site Development Services. The operator shall keep copies of the results of the survey on file.
4. Maximum ground vibration for structures within a ½ mile will remain below the vibration limits established by the Blasting Level Chart derived from US Bureau of Mines (USBM) RI8507. The lower PPV/frequency limit for plaster will be used consistent with house construction in the area.
5. Ground vibrations will initially be restricted using the scaled distance equation and a scaled distance restriction of 70, rather than OSMRE suggested national average of 55. The scaled distance of 70 may be modified with appropriate technical review as part of the monitoring program after a minimum of 50 blasts. The applicant suggests that using a scaled distance 70 will likely limit blasting vibration to an average peak particle velocity of 0.5 in/sec.
6. Ground velocity may be limited to a level more strict than current published OSMRE regulations if review of monitored data show need to reduce levels to ensure public health, safety or welfare.
7. In the event that a blast does not comply with maximum standards stated in condition #4, the operator will cease blasting and contact DDES. No more blasting will take place until a new blasting design plan is approved.
8. All blasting shall be limited to daylight hours between 9AM and 3PM, Monday through Friday.
9. No more than 3 blasts are permitted within a week.
10. Blasting will occur according to a regular schedule that is mailed to all residents within ½ mile of the permit area and DDES.

11. Airblast is restricted to the following peaks, depending on monitor used: 134dBl peak with monitor with 0.1Hz or lower flat response; 133 dBl peak with a monitor with 2.0 Hz or lower flat response; 129 dBl peak with a monitor having a 6.0 Hz or lower flat response, or; 105 dB peak with a monitor with a C Weighted slow response.
12. A blast-monitoring program for vibration and airblast is required. The monitoring plan will be designed and conducted at a minimum, consistent with the US Office of Surface Mines Method 2, 3 or 4 standards. Other methods may be employed if deemed appropriate for safety and health and welfare of public. Minimum plan design will determine critical data elements, data collection techniques, frequency of monitoring, data reporting, location of monitoring stations, independence of data gathering, measurement and determination of direct impact from operations, required operator response to non-compliant conditions, interpretation of data and any other information or data necessary to comply with federal, state and local regulations and mitigation conditions of this threshold determination necessary to prevent significant environmental impact. The plan shall be approved by King County DDES prior to initiation of any blasting.
13. An anticipated blast design shall be kept on file and available for review for blasts. The blast design shall be prepared and signed by a certified blaster.
14. Flyrock traveling in the air or along the ground shall not be cast from the blasting site beyond the permit boundary.
15. Minimum stemming (depth of hole) is to be maintained between 7 and 10 feet depending on blast hole diameter to minimize flyrock.
16. Blasting mats will be used when developing upper benches.
17. Operator shall conspicuously place signs reading “Blasting Area” along the edge of the permit boundary along 396th Ave. and Tokul Road and along portions of the recreational trails within ½ mile of the blasting area. Warning signs on recreational trails shall inform users of the trails of signals for impending blasts and appropriate measures to ensure their safety.

Dust

18. Permittee shall comply with all conditions and requirements of the Puget Sound Air Pollution Control Agency (PSAPCA) permit.
19. Processing plants will use a high pressure/low volume spray bar over any source of fugitive dust.
20. Fugitive dust released by the movement of trucks and loader over unpaved roads will be controlled with wet suppression.
21. Haul trucks will allow sufficient freeboard to prevent the escape of dust from truck beds.
22. Operation will use conveyor systems rather than vehicular equipment to reduce dust when possible.

23. A high moisture content will be maintained for stacked materials.
24. Drop heights on piles will be minimized.
25. Blasting will not be allowed when wind speeds exceed 25 mph in any direction or 20 mph in easterly direction towards the Tokul Plateau residences. Wind measurement procedures shall be identified within the blasting management plan.

Groundwater Protection – Quality and Quantity

26. A groundwater quality plan will be implemented to monitor possible effects of quarry activity and sand and gravel extraction operations on water quality standards. Minimum plan design will determine critical data elements, data collection techniques, address monitoring techniques, water quality standards, frequency of monitoring, data reporting, location of monitoring stations, depth of monitoring well(s), independence of data gathering, interpretation of data and any other information or data necessary to comply with federal, state and local regulations and mitigation conditions of this threshold determination necessary to prevent significant environmental impact. The plan shall be approved by King County DDES prior to initiation of any blasting. The proposed plan will be similar to the water quality-monitoring plan proposed in Appendix J of the Expanded Environmental Checklist. Any monitoring well required in the plan will be drilled before the start of quarry operations to gather baseline data.
27. Excavation is limited to an elevation of 325 feet above sea level or 10 feet above seasonal high water level of Tokul Creek Delta aquifer, which ever is higher.
28. Stormwater runoff from the entire pit operation area will be routed to an infiltration pond or ponds for treatment and discharge.
29. An updated drainage review plan for the entire mine operation will be prepared to meet requirements and standards under the 1998 Surface Water Design Manual.
30. An NPDES general permit for quarry operations and sand and gravel operations is required prior to issuance of revised grading permit.
31. A groundwater level monitoring plan will be required to measure the Tokul Aquifer potentiometric level relative to lowest pit levels, and to monitor any changes to aquifers above the mine, both in bedrock and in the Tokul Plateau aquifer. Minimum plan design will determine critical data elements, data collection techniques, frequency of monitoring, data reporting, location of monitoring stations, depth of monitoring well(s), independence of data gathering, interpretation of data, measurement and determination of direct impact to domestic wells from operations, required operator response to direct observable impact and any other information or data necessary to comply with federal, state and local regulations and mitigation conditions of this threshold determination necessary to prevent significant environmental impact. The plan shall be approved by King County DDES prior to initiation of any blasting. As part of the plan, the operator will provide an emergency water supply, if mine operations are shown to directly impact water supply, as determined by DDES. The direct impact will be determined by correlating any significant discharge observable in the pit with decreased water levels in monitored wells above the pit.

The proposed plan will be similar to the water level monitoring plan proposed in Appendix I of the Expanded Environmental Checklist.

32. A monitoring plan to discover slope stability issues and detect strong groundwater flows from bedrock that could impact slope stability or bedrock wells is required. Minimum plan design will determine critical data elements, data collection techniques, frequency of monitoring, data reporting, location of monitoring points, independence of data gathering, interpretation of data, measurement and determination of direct impact from operations, required operator response to non-compliant conditions, and any other information or data necessary to comply with federal, state and local regulations and mitigation conditions of this threshold determination necessary to prevent significant environmental impact. The plan shall be approved by King County DDES prior to initiation of any blasting. The proposed plan will be similar and/or have elements of the water level monitoring plan proposed in Appendix I of the Expanded Environmental Checklist.
33. DDES will be notified immediately of any significant discharge of water from the mining face. Significant discharge at any location will be defined in the groundwater level-monitoring plan as one gallon per minute of flow from the hard rock mining face.
34. Current Grading Permit condition 0042 which call for water quality monitoring in wells SS&G1, 2, 3 will be part of the revised permit conditions.
35. Current Grading Permit condition 0038 which calls for work conforming with recommendations and mitigation outlined in “Hydrogeology and Geologic Hazards, Existing Conditions, Impacts and Mitigation” report prepared for the Snoqualmie Sand and Gravel Pit Expansions by Associated Earth Sciences, Inc. dated March 3, 1993 will be part of the revised permit conditions.

Reclamation

36. A revised reclamation plan to satisfy requirements of the Washington State Surface Mining Act must be submitted and approved within 6 months of issuance of revised grading permit.
37. A clean fill monitoring program to provide evidence that imported fill is consistent with definition of clean fill is required. Minimum plan design will determine critical data elements, data collection techniques, frequency of monitoring, data reporting, required operator response to illegal fill and any other information or data necessary to comply with federal, state and local regulations and mitigation conditions of this threshold determination necessary to prevent significant environmental impact. The plan shall be submitted to King County DDES within six months of issuance of revised grading permit.

Traffic

38. Glacier Northwest will repair a section of road starting from the intersection of Mill Pond and Weyerhaeuser’s private road to the intersection of S.R. 202 as per agreement with City of Snoqualmie.

39. Glacier will contribute a proportionate share of costs for improvements to WSDOT Project # A20219L 0L3522 at the SR-202/SR-203 and SR 202/PRESTON-FALL CITY RD. intersections. This project is scheduled for construction in 2003.. The proportionate share contribution would be based on the number of Glacier-generated vehicles using the intersections.

Light and Glare

40. All outdoor and security lights will be shielded with top clad plates and would be focused downward to avoid glare onto surrounding areas.
41. The maximum height of any lighting will be 50 feet above the quarry floor.

Noise

42. Hours of operation are not changed from those approved by conditions imposed by Hearing Examiner for reclassification of property reviewed and approved by L93RZ004 and adopted by ordinance 11672.
43. An independent noise-monitoring plan will be required prior to the startup of blasting. Minimum plan design will address monitoring techniques, frequency of monitoring, data reporting, location of monitoring points, independence of data gathering, interpretation of data, measurement and determination of direct impact from operations, required operator response to non-compliant conditions, and any other information or data necessary to comply with federal, state and local regulations and mitigation conditions of this threshold determination necessary to prevent significant environmental impact. For purposes of review hereunder, a significant adverse noise impact is defined as a cumulative sound level from all sources greater than 57 dBA, as measured at any rural-designated receiving property. The plan shall be reviewed and approved by King County DDES and King County Public Health prior to initiation of any blasting.
44. Mitigation measures will be required to avoid significant adverse environmental impacts and ensure compliance with King County Code Chapter 12.86-12.100. The applicant's sound modeling indicated that at a minimum the following mitigation is required for compliance and is required mitigation for this environmental determination.
45. Within 14 days after adding to the baseline operation any mobile loading and hauling equipment, or any screen or crushing equipment, Glacier shall submit a report to King County confirming that noise levels at the Welborn property comply with the King County Noise Ordinance and avoid or mitigate significant adverse environmental impacts. For purposes of this condition, the "base-line operation" consists of the following equipment: six loaders; two jaw crushers; three processing plant crushers; six processing screens; one grizzly screen; a wash plant; a dozer; a rock drill; aggregate delivery equipment; concrete plant and associated delivery equipment; and support equipment.
46. Place grizzly screen(s) in an enclosure.
47. Install more massive barrier around the jaw crusher(s) or enclose crusher(s).
48. Install rock drill noise barrier and install acoustic insulation around power source.

49. Use conveyors where possible to transfer material from mining face to reduce truck and equipment noise.
50. Additional noise mitigation measures may be required to avoid significant adverse environmental impacts and comply with King County Noise regulations, pending review of noise monitoring data.
51. Current Grading Permit Conditions 002, 0080, 0085, 0095 regarding noise and adopted in response to Hearing Examiner conditions imposed as part of rezone will be part of revised grading permit conditions.

Landslide and slope stability

52. No surface water features will be constructed adjacent to top of or on the bedrock slope to reduce recharging potential joint planes.
53. If unfavorable slope conditions are identified during mining and/or by biennial inspections by professional engineering geologist or geotechnical engineer, appropriate mitigation measures will be implemented to reduce risk of off-site impacts from potential bedrock failures.
54. Condition 0001 of the current grading permit requiring a 75-foot buffer adjacent to permit boundary and along Tokul Road and 396th Dr. SE will be retained.

Procedural

55. Prior to their adoption, the mitigation plans required by conditions 12, 26, 31, 32, 37, and 43 shall be circulated by DDES for written public comment. Copies of such plans shall be provided to SEPA Appellant Welborn and to the City of Snoqualmie, and notice thereof shall be provided to other property owners within 500 feet of the gravel pit and to agencies with jurisdiction. The comment period provided shall not be less than 21 days.
56. The conditions imposed within this MDNS may be modified pursuant to the periodic review process authorized by KCC 21A.22.050, if necessary to avoid or mitigate the adverse environmental impacts of surface mining operations.

ORDERED this 31st day of December.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 31st day of December, to the parties and interested persons of record:

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MINUTES OF THE DECEMBER 4 AND 5, 2001 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO: L00RE012

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Rich Hudson and Paul Meyer. Participating in the hearing were the Appellants Tim and Pam Welborn. Participating in the hearing and representing the Applicant was Steve Roos. Ronald Summers, Kristen Wallace, Linda Walchli, Curtis Koger, Ken Johnston, Dr. Chris Breeds, Kristen Langley, Ken Johnson, Larry West and Curt Horner also participated in this hearing.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L00RE012
- Exhibit No. 2 Mitigated Determination of Non-significance for L00RE012 issued July 3, 2001
- Exhibit No. 3 Expanded Environmental Checklist dated April, 2000, revised February, 2001
- Exhibit No. 4 Appeal of MDNS received July 27, 2001

- Exhibit No. 5 Site Plan dated April 24, 2000
- Exhibit No. 6 Land Use Map 20-24-08
- Exhibit No. 7 Assessor Map 20-24-08
- Exhibit No. 8 SEPA File
- Exhibit No. 9 GIS Vicinity Map
- Exhibit No. 10 WA State Department of Natural Resources Comment Letter dated July 27, 2001
- Exhibit No. 11 Robert Ackerman, President Tokul Community Water System Comment Letter dated July 26, 2001
- Exhibit No. 12 Tom Fix comment letter dated July 11, 2001
- Exhibit No. 13 Supplemental Traffic Study from Steve Roos
- Exhibit No. 14 A - Email from Curt Horner to Paul Meyer dated March 2, 2001
B - Memorandum from Curt Horner to Rich Hudson dated November 17, 2000
C - Letter from Kristen Wallace to Paul Meyer dated December 11, 2000
- Exhibit No. 15 Resume of Dr. Chris Breeds
- Exhibit No. 16 Explanation Page – Blasting vs. Impacts
- Exhibit No. 17 Investigation Logs
- Exhibit No. 18 Newspaper Clippings
- Exhibit No. 19 Proposed Noise Mitigation from Steve Roos
- Exhibit No. 20 Well Location Map
- Exhibit No. 21 Hydrogeologic Cross Section Schematic from Steve Roos
- Exhibit No. 22 Site and Exploration Map
- Exhibit No. 23 Well Log
- Exhibit No. 24 Memorandum from Paul Meyer to the Expanded Environmental Checklist Review Team
Dated September 18, 2000
- Exhibit No. 25 Performance Audit by King County
- Exhibit No. 26 Tim Welborn Notes
- Exhibit No. 27 Tim Welborn's Conditions
- Exhibit No. 28 Grading Permit
- Exhibit No. 29 Fax transmittal from Stephen Roos to Hearing Examiner—Transcript of voicemail from Glacier's noise control consultant, Kristen Wallace, received December 7, 2001.

SLS:slb:gao

Misc/cases/other/L00RE012 RPT